

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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R. ALEXANDER ACOSTA, Secretary of  
Labor, United States Department of Labor,

Plaintiff,

-against-

**AFFIDAVIT**

5:17-cv-00561-BKS-ATB

LIBERTY GAS STATION AND CONVENIENCE STORE,  
LLC, LIBERTY PIZZA & CONVENIENCE, INC.,  
HUSEYIN TURAN, Individually and as Owner,

Defendants.

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LAWRENCE M. ORDWAY, Jr., being duly sworn, deposes and states as follows:

1. I am an attorney duly licensed to practice law before the Courts of the State of New York and am admitted in the United States District Court for the Northern District of New York. I am a member of the law firm of Bousquet Holstein, PLLC ("Bousquet Holstein"), which is counsel for Defendants Liberty Gas Station and Convenience Store, LLC, Liberty Pizza & Convenience, Inc., and Huseyin Turan. As such, I am fully familiar with the facts and circumstances herein.

2. I make this Affidavit pursuant to Local Rule 83.13 and in support of Bousquet Holstein's Motion to File Certain Documents Under Seal, related to its Motion to Withdraw as Counsel of Record for the Defendants (the "Motion to Withdraw").

3. As part of its Motion to Withdraw, Bousquet Holstein submitted the following exhibits: (A) the retainer agreement between Bousquet Holstein and Defendants; (B) a Statement of Account regarding sums owed by Defendants to Bousquet Holstein; and (C) various invoices reflecting work performed by Bousquet Holstein on behalf of Defendants and sums owed by Defendants to Bousquet Holstein.

4. Bousquet Holstein believes that Exhibits (A), (B), and (C) are confidential communications between it and its clients, and as such, are privileged. Bousquet Holstein recognizes that publication of such documents is likely to have the effect of waiving the attorney-client privilege with respect to these communications and submits that preservation of the attorney-client privilege necessitates that they be filed under seal.

5. In addition, portions of the Affidavit of Lawrence M. Ordway, Jr. Esq. in support of the Motion to Withdraw (the "Ordway Affidavit") describe communications that were had between Bousquet Holstein and Defendants with respect to issues relevant to the Motion to Withdraw. Again, Bousquet Holstein wishes to preserve the attorney-client privilege with respect to those communications.

6. Portions of the Memorandum of Law submitted by Bousquet Holstein in support of the Motion to Withdraw describe the contents of the privileged exhibits to the Ordway Affidavit, as well as communications between Bousquet Holstein and Defendants. Bousquet Holstein wishes to preserve the attorney-client privilege with respect to this information and communication.

7. Accordingly, Bousquet Holstein requests that it be permitted to file a redacted version of the Ordway Affidavit and the Memorandum of Law publicly via ECF and that it be permitted to file an unredacted version of the Ordway Affidavit and the Memorandum of Law under seal.

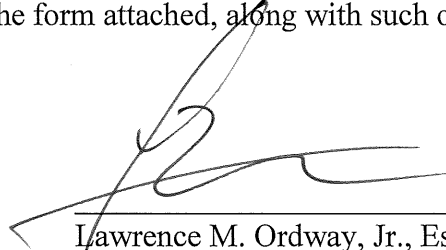
8. Filing under seal the unredacted Memorandum of Law, Ordway Affidavit, and Exhibits A, B, and C thereto limits access to the privileged documents and/or information which is necessary to submit to the Court in support of the Motion to Withdraw. The proposed filing is a narrowly-tailored means to protect the attorney-client privilege and to promote the Defendants'

and Bousquet Holstein's mutual interest in restricting access to information in which the public holds no applicable interest.

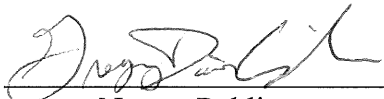
9. Pursuant to Local Rule 83.13, a proposed order granting Bousquet Holstein's Motion to File Certain Documents Under Seal is attached as **Exhibit "A"**.

WHEREFORE, Bousquet Holstein respectfully requests and Order of this Court granting its Motion to File Certain Documents Under Seal, in the form attached, along with such other and further relief as the Court deems just and proper.

Dated: February 28, 2018

  
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Lawrence M. Ordway, Jr., Esq.  
Bar Roll No. 509310

Sworn to before me this  
28<sup>th</sup> day of February, 2018.

  
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Notary Public

GREGORY DAVIS ERIKSEN  
Notary Public, State of New York  
Qualified in Onon. Co. No. 02ER6256485  
My Commission Expires February 27, 2020